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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 40 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHANTABEN BHAGABHAI RANCHHODJI

Versus

RATILAL M PATEL

Appearance:

1. Appeal from Order No. 40 of 1990

MRS KETTY A MEHTA for Appellant No.

MR KI SHAH for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/01/2005

ORAL JUDGEMENT

1. The appellant original plaintiff has preferred this Appeal from Order against the judgment and order

dated 24/10/1989 passed by the learned Civil Judge (S.D.) Surat, in Special Civil Suit No.85 of 1989 below Exh.5 application, whereby the ex-parte order passed on 01/02/1989 and which was extended was made absolute till the final disposal of the suit.

2. While admitting this Appeal from Order, this Court had granted ad-interim relief in terms of Para 14-(A) of the Civil Application in this Appeal from Order by which the aforesaid order was stayed subject to the appellant not transferring the land in question.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met, if the appellant is directed to make an application for expediting the hearing of the said Suit.

4. Therefore, without entering into the merits of the matter and on condition that the ad-interim relief granted earlier by this Court shall continue till the said suit is finally disposed of, the appellant is directed to make an application for expediting the hearing of Special Civil Suit No.85 of 1989 pending before the Court of the learned Civil Judge (S.D.), Surat. On receipt of the said application from the appellant, the trial Court shall hear and dispose of the same as expeditiously as possible and preferably within a period of one year from the date of the said application.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the final disposal of the suit.

[K.S. JHAVERI, J.]

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